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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/249,916 02/12/99 HOERNER

B 29020/96007B

EXAMINER

PM82/0413

JAMES A. FLIGHT
MARSHALL, O TOOLE, GERSTEIN, MURRAY & BO
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233 SOUTH WACKER DRIVE
CHICAGO IL 60606-6402

LEV, B

ART UNIT

PAPER NUMBER

3634

DATE MAILED:

04/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/249,916

Applicant(s)
Hoerner

Examiner
Bruce A. Lev

Group Art Unit
3634



☒ Responsive to communication(s) filed on February 2, 2001 as Amendment C

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 17-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 17-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaner et al 5,445,208.

As concerns claim 17, Shaner et al set forth a panel for a sectional door comprising a frame (inclusive of members 148 and 150 and illustrated in Fig. 8) defining at least one central area, the frame including a horizontal member 148 adapted to be coupled to a hinge member for hingedly connecting to another panel; and a plurality of material layers received within the central area and held in place by the frame, the layers being movable relative to each other.

As concerns claim 20, Shaner et al set forth the sectional door panel, as advanced above, including the method of providing a frame defining a central area; inserting layers of material into the central area, and to provide relative movement between the layers; and coupling a hinge member (inclusive of members 26 and 27) to the frame allowing the panel to be hinged to another door panel.

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Claim Rejections - 35 USC § 103

3. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaner 5,445,208 in view of Albrecht 5,848,508.

As concerns claim 18, Shaner et al set forth the panel, as advanced above, except for the frame comprising first and second aluminum extrusions joined together by at least one weldment. However, **Albrecht teaches** forming a frame comprising first and second aluminum extrusions 30 joined together by at least one weldment (viewed as the connection means between the frame members 30 as illustrated in Figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the panel of Shaner et al by forming the frame as comprising first and second aluminum extrusions joined together by at least one weldment, as taught by Albrecht, in order to increase the strength of the door panel.

As concerns claim 19, Shaner et al in view of Albrecht set forth the panel comprising a polystyrene core and polyethylene layers (as discussed in column 2, line 29 through column 3, lines 8, and column 4, line 43, through column 5, line 2 of Shaner).

Response to Amendment

4. Applicant's remarks filed February 2, 2001 have been fully considered but they are deemed moot due to the new grounds of rejection, as advanced above.

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Conclusion

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

Applicant's amendment, including "the frame including a horizontal member adapted to be coupled to a hinge member for hingedly connecting the panel to another sectional door panel" (claim 17, lines 2-4), and "and coupling a hinge member to the frame to allow the panel to be hinged to another sectional door panel" (claim 20, lines 4-6), necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

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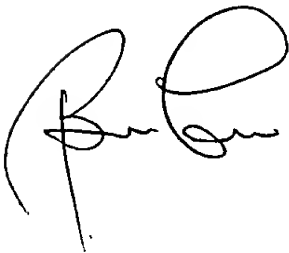
Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

April 11, 2001

A handwritten signature in black ink, appearing to read 'Bruce A. Lev', with a large, stylized initial 'B' and 'L'.

Bruce A. Lev

Patent Examiner

Group 3600